

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Valley Mills, TX))

MM Docket No. 00-27

RECEIVED

APR 10 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Kathleen Sheuerle
Allocations Branch
Mass Media Bureau

COUNTERPROPOSAL

Petitioner VMRBC hereby responds to the NPRM in this Docket and, because of changed circumstances following recent FCC decisions involving communities in the Valley Mills, TX area, respectfully submits that the public interest best would be served by the allocation of channel 237C2 to Hico, TX, rather than (as originally proposed by Petitioner) to Valley Mills. ^{1/}

The public interest would be best served by allocating channel 237C2 to Hico, TX, as that community's first aural transmission service. Hico is an incorporated city in Hamilton County Texas, whose 1990 Census population was 1,342. Hico's population grew to approximately 1,469 by 1997. ^{2/}

Hico has its own independent school district, its own police and fire departments, and its own post office. Like other "communities" to which the FCC has allotted a local FM service,

^{1/} VMRBC was informally advised by FCC staff that its April 5, 2000 Request to Dismiss its Petition in this Docket could not be granted prior to the Comment deadline in this Docket -- Monday, April 10, 2000. Accordingly, VMRBC asks that its April 5th Request be dismissed or denied.

^{2/} See Texas State Data Center, estimate on January 1, 1998.

No. of Copies rec'd
List ABCDE

0+4

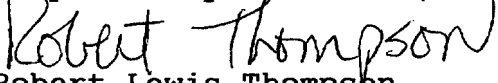
Hico has numerous local churches, community clubs, a local library, a local weekly newspaper, a doctor's clinic, a senior citizen's center, two banks, 149 commercial business establishments,^{3/} and a Chamber of Commerce.

Attached hereto is an engineering report, which contains a channel study confirming that channel 237C2 can be allocated to Hico, TX consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 237C2 to Hico, TX would provide that community with its first local aural transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 90 (1992).

Finally, if the Petition is granted and channel 237C2 is allocated to Hico, TX, Petitioner will apply for channel 237C2 and, if a CP is issued, will promptly construct the new facility.

Respectfully submitted,


Robert Lewis Thompson
THIEMANN AITKEN et al, LLC
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

April 10, 2000

Counsel for Petitioner

^{3/} Source: Dun & Bradstreet, March 1999.

**ENGINEERING STATEMENT
IN SUPPORT OF
COMMENTS TO NOTICE OF
PROPOSED RULE MAKING**

April 7, 2000

**Valley Mills Radio Broadcasting Co.
FM Channel 237C2 □ 95.3 Megahertz
Valley Mills/Hico, Texas
MM Docket No. 00-27**



LAWRENCE L. MORTON ASSOCIATES
2867 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
(323) 467-5010 / FAX (323) 467-5648

ENGINEERING STATEMENT

The information and data contained within this engineering statement were prepared on behalf of Valley Mills Radio Broadcasting Co. ("VMRBC"), in support of *Comments to Notice of Proposed Rule Making*, MM Docket No. 00-27. VMRBC counterproposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 237C2 to Hico, instead of to Valley Mills, Texas.

I. HICO, TEXAS

Hico is an incorporated city located within Hamilton County, Texas. The 1990 U.S. Census population of Hico was 1,342 persons, and the County of Hamilton had a population of 7,733 persons.

Hico has been assigned Postal ZIP Code 76457 by the U.S. Postal Service. The city has no aural broadcast services. The Bureau of the Census centroid geographic coordinates of Hico, referenced to the North American Datum of 1927, are:

North Latitude: 31 degrees, 59 minutes, 00 seconds
West Longitude: 98 degrees, 01 minutes, 43 seconds

Because of stations KAGT(FM) on Channel 236C1 at Baird, KVMX(FM) on Channel 236A at Eastland, KNEL-FM on Channel 237A at Brady, and KYXS-FM on Channel 240C1 at Mineral Wells, a site restriction is required for the Channel 237C2 allotment at Hico. At a point corresponding to the following geographic coordinates, which is 15.3 kilometers east, southeast of Hico, the Channel 237C2 allotment can be made at Hico in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 31 degrees, 56 minutes, 11 seconds
West Longitude: 97 degrees, 52 minutes, 33 seconds

From these reference geographic coordinates, Channel 237C2 is fully-spaced to all current FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. Figures one and two show the relative locations of Hamilton County within the State of Texas, and of the City of Hico within Hamilton County. Figures three and four show the incorporated city limits of Hico and the allotment reference site. Figure five demonstrates that the entire city limits of Hico are within city-grade distance from the proposed allotment reference site.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 237C2.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 237C2 allotment reference site proposed for Hico. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF § 73.207					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
KAMX	234-C	30° 19' 23"	97° 47' 58"	179. Km	105. Km
KWRD-FM	235-C	32° 35' 22"	96° 58' 10"	112	105
KQCV-FM	236-C	35° 15' 47"	96° 22' 43"	395	188
KAGT	236-C1	32° 24' 24"	99° 27' 26"	158	158
KVMX	236-A	32° 28' 34"	98° 50' 20"	109	106
KCXY	237-C1	33° 30' 14"	92° 48' 38"	505	224
KHYI	237-C3	33° 23' 43"	96° 35' 50"	201	177
XHLPZ-FM	237-C	27° 01' 17"	100° 30' 36"	603	270
KNEL-FM	237-A	31° 07' 27"	99° 21' 34"	167	166
PRM ¹	237-A	33° 13' 06"	98° 09' 48"	144.70	166
PRM ²	237-C2	31° 44' 52"	97° 44' 33"	24.4	190
PRM	238-A	33° 19' 53"	98° 10' 54"	157	106
KKMJ-FM	238-C1	30° 19' 23"	97° 47' 58"	179	158
KKAJ-FM	239-C1	34° 05' 56"	97° 10' 54"	248	79
KIKK-FM	239-C	29° 34' 34"	95° 30' 36"	346	105
KCKR	239-C2	31° 30' 51"	97° 11' 43"	80	58
KYXS-FM	240-C1	32° 39' 35"	98° 09' 34"	85	79
PRM	290-C3	32° 07' 42"	99° 11' 18"	126	17
PRM	290-C2	31° 44' 30"	99° 19' 36"	139	20
KHKS	291-C	32° 35' 22"	96° 58' 10"	112	35

¹The Channel 237A allotment at Jacksboro has been moved to Channel 238A and reserved for station KJKB(FM) by *Report and Order*, MM Docket No. 98-198, released March 21, 2000.

²The petitioner is counterproposing Channel 237C2 to Hico instead of Valley Mills.

III. CONCLUSION

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Valley Mills Radio Broadcasting Co., respectfully requests the following change to the Table:

	<u>PRESENT</u>	
<u>CITY</u>		<u>CHANNEL</u>
Hico, TX		----

	<u>PROPOSED</u>	
<u>CITY</u>		<u>CHANNEL</u>
Hico, TX		237C2

The petitioner asserts that, upon allotment of Channel 237C2 to Hico and the lifting of the present freeze on new applications, an application for construction permit to build a new Class C2 facility will be filed promptly to serve Hico, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
April 7, 2000



State of Texas

Gulf of Mexico

CENTER OF MAP:

N LAT 31° 20' 56.00"
W LON 99° 39' 55.00"

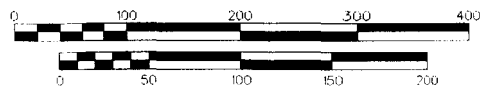
Scale 1 : 6,642,985

FIGURE 1

COUNT OF HAMILTON
STATE OF TEXAS

VALLEY MILLS RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

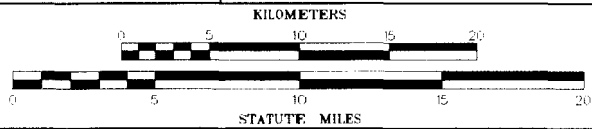
Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

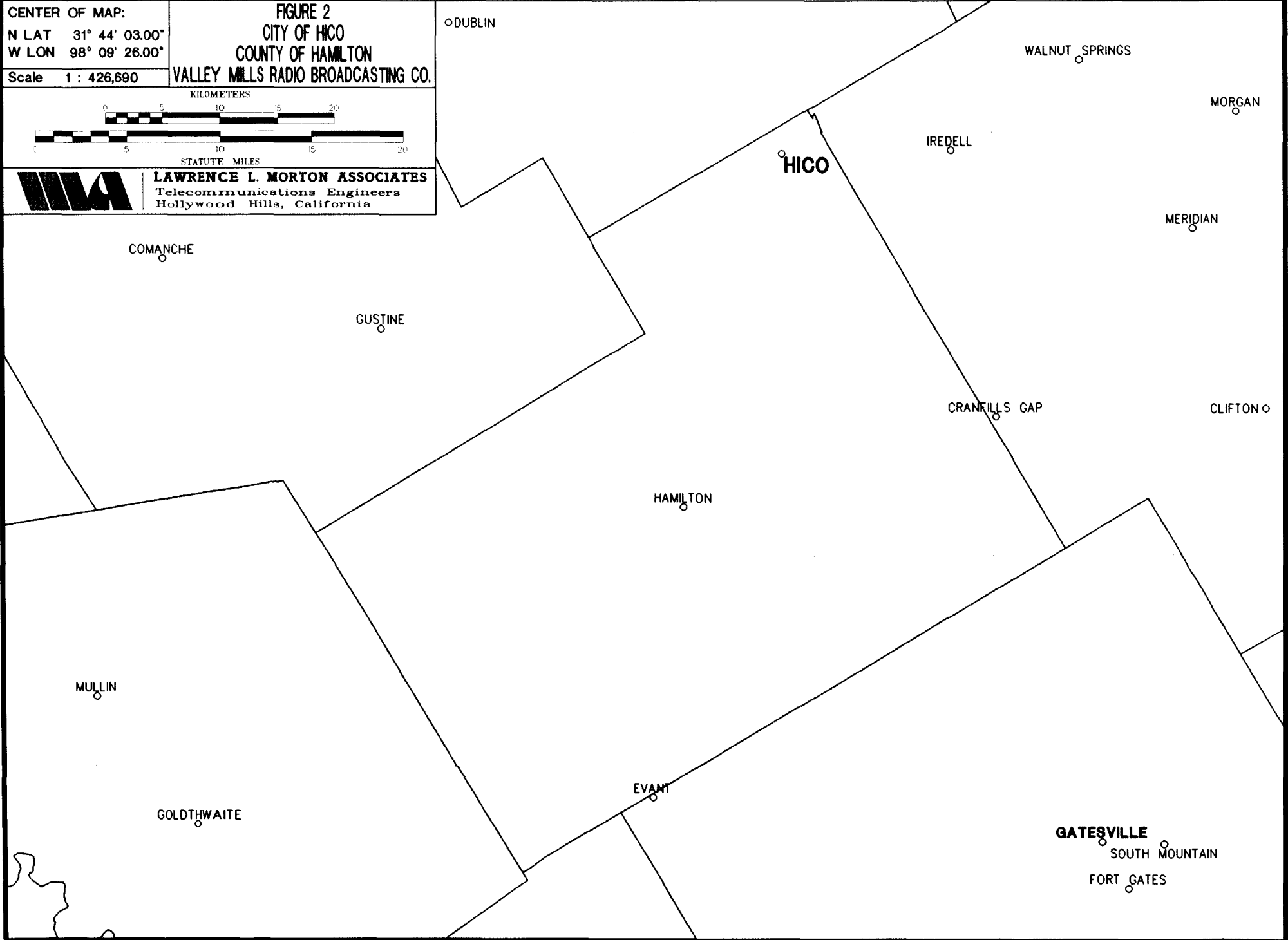
CENTER OF MAP:
N LAT 31° 44' 03.00"
W LON 98° 09' 26.00"

FIGURE 2
CITY OF HICO
COUNTY OF HAMILTON
VALLEY MILLS RADIO BROADCASTING CO.

Scale 1 : 426,690



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California



Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

CENTER OF MAP:

N LAT 31° 44' 03.00"

W LON 98° 09' 26.00"

Scale 1 : 426,690

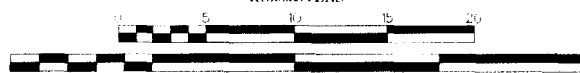
FIGURE 3

CITY OF HICO

AND 1990 U.S. CENSUS BLOCKS

VALLEY MILLS RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES

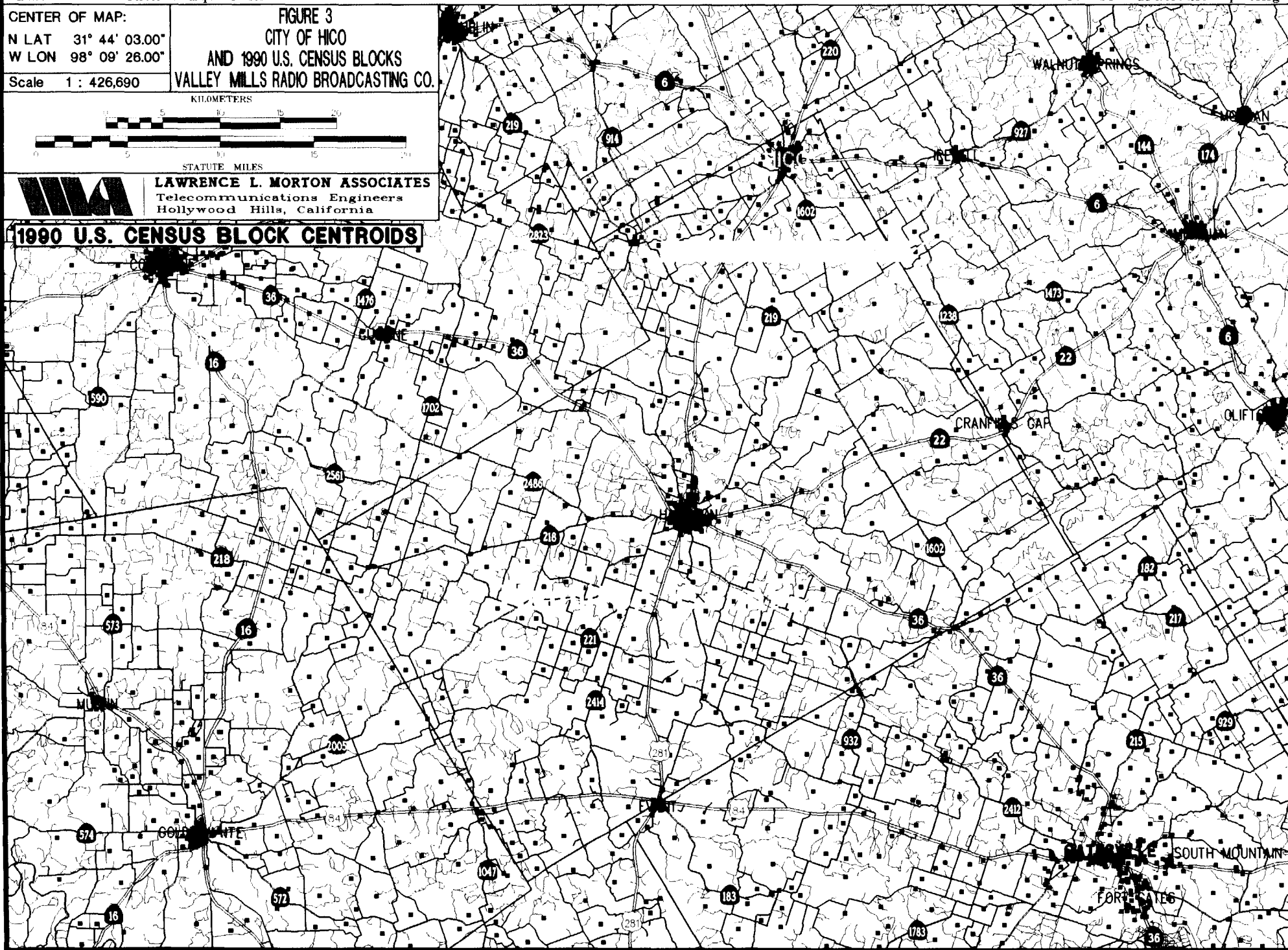


LAWRENCE L. MORTON ASSOCIATES

Telecommunications Engineers

Hollywood Hills, California

1990 U.S. CENSUS BLOCK CENTROIDS

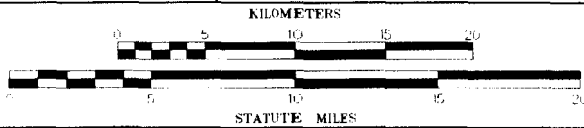


Lambert Azimuthal Equal-Area

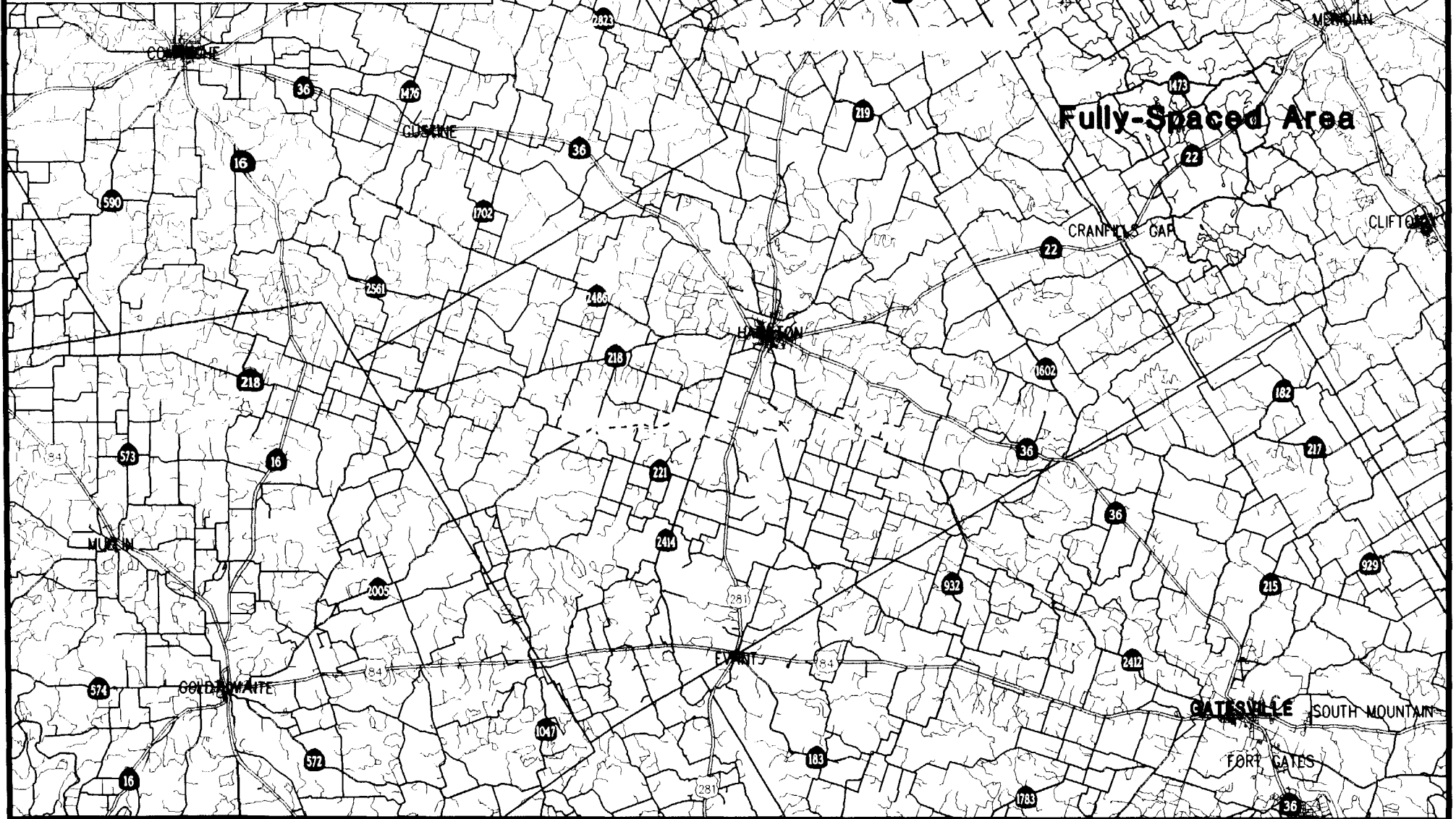
10' 00" Graticule Spacing

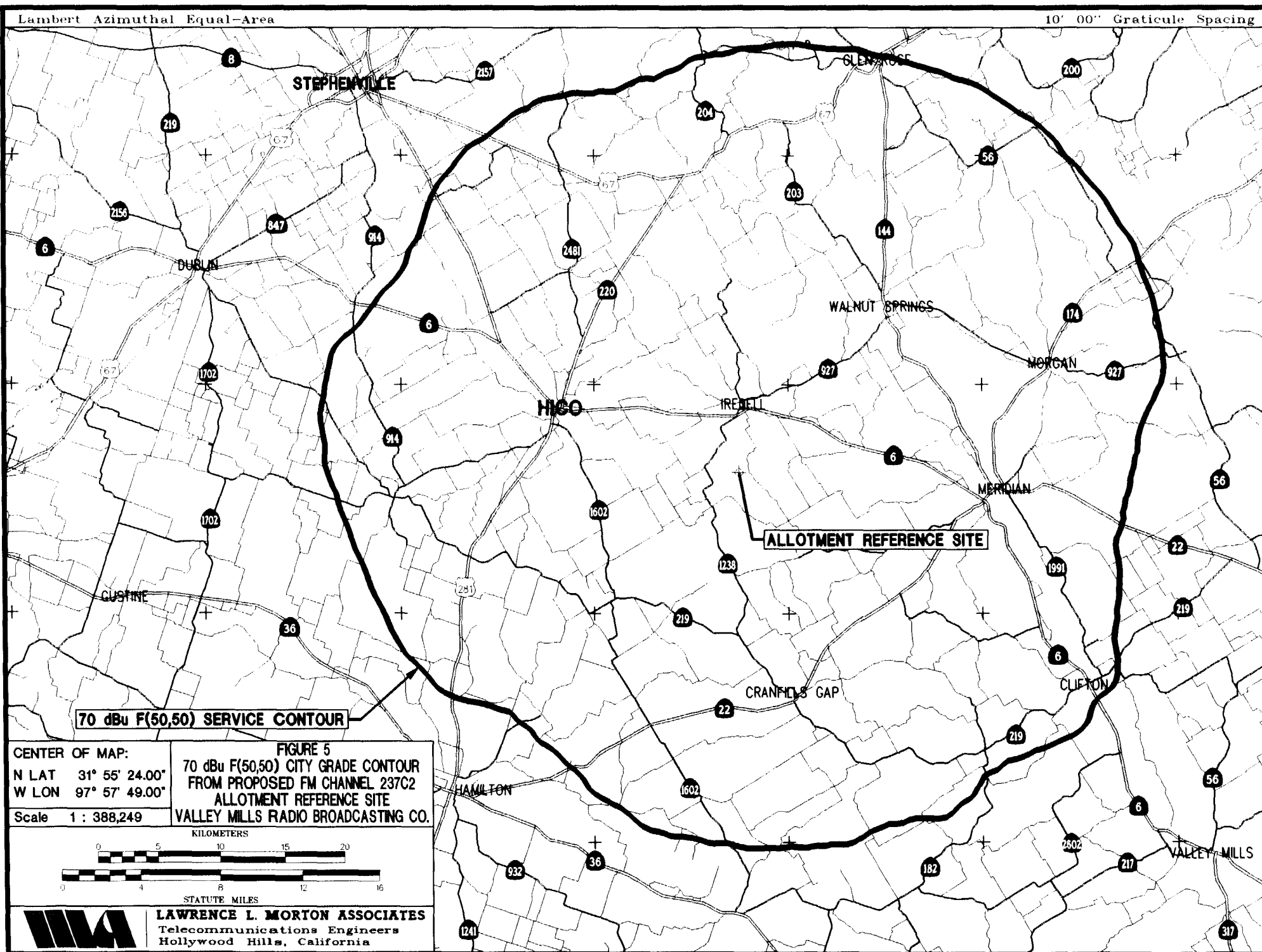
CENTER OF MAP:
N LAT 31° 44' 03.00"
W LON 98° 09' 26.00"
Scale 1 : 426,690

FIGURE 4
FULLY-SPACED AREA TO LOCATE
FM CHANNEL 237C2 AT HICO
VALLEY MILLS RADIO BROADCASTING CO.



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California





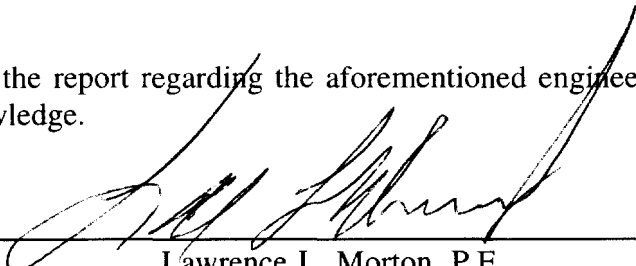
AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

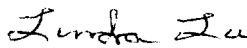
Date: April 8, 2000



Lawrence L. Morton, P.E.

On April 8, 2000, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/2001



Notary Public

